

BOARD OF APPEALS CASE NO. 5220

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BEFORE THE

**APPLICANT: Blevins Family Ltd. Partnership
and Harford County Government**

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ZONING HEARING EXAMINER

**REQUEST: Interpretation to correct a
mapping error; eastside of Schucks Road,
Bel Air**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 12/26/01 & 1/2/02

HEARING DATE: February 4, 2002

Record: 12/28/01 & 1/4/02

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ZONING HEARING EXAMINER'S DECISION

The Applicant, The Blevins Family Ltd. Partnership and co-applicant Harford County Government, are seeking to correct a mapping error pursuant to Section 267-10D of the Harford County Code.

The subject parcel is located on the south side of Churchville Road, east of Shucks Road and is more particularly identified on Tax Map 42, Grid 4B, Parcel 331. The parcel consists of 114.05± acres and the area subject to this request is 1.72 acres. The parcel is presently zoned AG/Agricultural and B2/Community Business District. The parcel is entirely within the Third Election District.

Mr. Anthony McClune appeared as representative of the Department of Planning and Zoning and testified from the staff report prepared in this case and dated January 17, 2002. The Department describes the circumstances of this case as follows:

“The zoning classifications in the area conform to the intent of the Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. There are areas of RR/Rural Residential representing existing developments. Commercial zoning includes B2/Community Business and VB/Village Business Districts. The Applicant's property is zoned AG/Agricultural and B2/Community Business Districts. Enclosed with the report is a copy of the zoning map (Attachment 7 to staff report).

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Zoning History:

1957 Comprehensive Zoning:

The subject property was zoned B3/General Business District during the 1957 comprehensive zoning (Attachment 8 to staff report).

1982 Comprehensive Zoning:

In the 1982 Comprehensive zoning, the area under review was down zoned from B3/General Business District to AG/Agriculture. An area at the intersection of MD Route 22 and Shucks Road, which was part of the original farm, was rezoned to B2/Community Business District and is improved with the Amoco gas station and the Campus Liquor store. The adjacent parcel, improved by an existing restaurant, was also rezoned from B3 to B2/Community Business District (Attachment 9 to staff report).

1989 Comprehensive Zoning:

In 1989 the AG/Agriculture zoning was maintained for the subject area. The B2 zoning line around the Amoco gas station and Campus Liquors was altered slightly but did not affect the area under review in this case (Attachment 10 to staff report).

1997 Comprehensive Zoning:

The County Council approved extending the B2 zoning along the south side of Route 22 from the adjacent property a distance of five hundred and fifty (550) feet (Attachments 11 & 12). When the maps were drafted, the measurement was taken from the subject property line and not from the adjacent property. The zoning was only extended three hundred (300) feet in length by three hundred (300) feet in depth.

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The Department is requesting an interpretation to correct a zoning mapping error that occurred during the drafting of the 1997 Zoning Maps. The County Council, pursuant to Legislative Bill 97-55, granted B2/Community Business District zoning for a total of five hundred and fifty (550) feet along the road frontage of MD Route 22. The zoning maps were incorrectly drafted to show only three hundred (300) feet from the adjacent property.

The Department believes that a drafting error has occurred. The legislation is clear in its intent that the B2 District was to be extended 550 feet from the adjacent property for a depth of 300 feet from the center line of the right-of-way of Churchville Road (MD Route 22) In order to comply with the intent of the County Council and Legislative Bill 97-55, the zoning line needs to be extended 250 feet west along Churchville Road. “

CONCLUSION:

The Applicant, The Blevins Family Ltd. Partnership and co-applicant , Harford County Government, are seeking to correct a mapping error pursuant to Section 267-10D of the Harford County Code.

Section 267-10D of the Harford County Code provides:

“Map errors: permitting adjustment of any boundary line to conform to the intent of the comprehensive rezoning and that said adjustment is necessary to rectify a map-drafting error which occurred during the comprehensive rezoning process.”

The Hearing Examiner concludes that a mapping error has taken place regarding this parcel. The Harford County Council clearly indicated a legislative decision to extend the B2 zoning district on this property for 550 feet but the map only extended this district for approximately 300 feet.

Based on the circumstances of the case, the Hearing Examiner recommends that the mapping error be corrected.

Date MARCH 6, 2002

William F. Casey
Zoning Hearing Examiner